

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94783

Hidekazu KIMURA, et al.

Appln. No.: 10/578,194

Group Art Unit: 1795

Confirmation No.: 8434

Examiner: Monique M. WILLS

Filed: August 10, 2006

For: FUEL CELL AND METHOD FOR FABRICATING SAME

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits, and therefore no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. However, since the conditions therefore are satisfied, Applicant submits herewith a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of an Office Action from the People's Republic of China Patent Office in a counterpart Chinese patent application (Application No. 200480031864.4) citing such documents, together with an English-language version of the Office Action indicating the degree of relevance found by the People's Republic of China Patent Office.

Further in compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following:

1. An English language abstract of WO 03/058738 submitted herewith constitutes a concise statement of relevance of WO 03/058738.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 17, 2008

Respectfully submitted,


Joseph J. Ruch, Jr.
Registration No. 26,577

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

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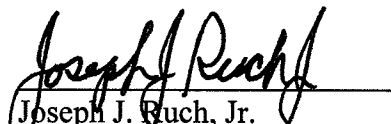
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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